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PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,496

Applicant(s)

FEINBERG ET AL.

Examiner

Michael W. Hoye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,7 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7 and 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed on May 23, 2006 have been fully considered but they are not persuasive.

Regarding amended independent claims 1, 19 and 20, the Applicants argue that, "The Pandya reference fails to disclose each and every element of the claimed invention, as arranged in the claim." More specifically, on page 8 of the remarks, the Applicants argue that, "Pandya does not disclose any response message being transmitted from a remote device to a head-end via a remote location as claimed."

In response, the Examiner respectfully disagrees with the Applicants because Pandya discloses a user selecting characters or command selections, where a configuration utility may be used for managing configuration information for the control points and agents (col. 5, lines 45-56; col. 6, lines 60-66; col. 7, lines 27-58; col. 13, lines 20-36; col. 14, lines 2-4 and col. 20, line 39 – col. 21 line 38). Furthermore, the claimed "wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the head-end" is met by the configuration utility may be used for managing configuration information for the control points and agents as described in the cited sections above.

The Applicants argue on page 9 that, "Pandya does not at least disclose the steps of forwarding the status to the remote device and forwarding a response message back for adjusting a parameter of the head-end."

In response, the Examiner respectfully disagrees with the Applicants because of the remarks described above related to the first argument.

The Applicants also argue on page 9 that, "To send an email or a pager message of Pandya one does not have to have the capabilities of the remote device. One merely needs to know the number or the address. In the present invention, one may choose to send only text, only graphics, or both because the message is capable of being sent to a plurality of different remote devices. The ability to perform this function is not inherent to the method of Pandya."

In response to Applicants' argument that the references fail to show certain features of Applicants' invention, it is noted that the features upon which applicant relies (i.e., one may choose to send only text, only graphics, or both because the message is capable of being sent to a plurality of different remote devices) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition to, as related to the currently amended claim language, the Examiner respectfully disagrees with the Applicants, and reiterates the relevant remarks previously described in the last office action, because the Pandya reference clearly discloses that the remote devices may include a wide variety of devices, including computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory, and the remote location(s) which relay or forward at least a subset of the received status from the remote location to one or more remote devices, whereby the remote location would have to have the identity of the one or more remote devices designated to receive status, as well as receive an indication of the capabilities of each remote device designated to

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receive status, and the status would have to be forwarded to each of the one or more remote devices in conformance with the indicated capabilities, since remote devices such as a pagers, cellular telephones, palm computers (PDAs), etc., each have inherent identities and capabilities that are different from each other. For example, if message or status information is being forwarded to a user or IT personnel, the remote location must know the identity of the remote device(s) designated to receive the status or message in order to transmit the status to the correct device(s). In addition, the capability of the remote device must be known, since sending a message or status information to a palm computer versus a pager or cellular telephone is different depending on the type, make and model of a device, as well as the capabilities of a device including text and/or graphics displays, otherwise if status information is forwarded to a remote device, where the status information is not in conformance with the indicated capabilities of the remote device, the status will not be presented at all or in a proper manner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-7 and 10-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Pandya et al (USPN 6,671,724), cited by the Examiner.

As to claim 1, note the Pandya et al reference which discloses a method for monitoring, from a remote location comprising a monitor and control unit, operations of a head-end or server/network resources in an information distribution system. Regarding the claimed "head-end", on pg. 346 of "Newton's Telecom Dictionary", a commonly accepted definition of "head end" is "A central control device required within come LAN/MAN systems to provide such centralized functions as remodulation, re-timing, message accountability, contention control, diagnostic control, and access." Although the Pandya et al reference does not explicitly use the term "headend", the reference clearly teaches monitoring and managing network resources, including servers, routers, storage devices, gateways, switches, hubs, etc., which are clearly synonymous with the operations of a head-end system (see col. 4, lines 40-61, and the definition of a "headend" according to "The Authoritative Dictionary of IEEE Standards Terms", pg. 508 and "Newton's Telecom Dictionary", pg. 346). The claimed receiving at the monitor and control unit status from the head-end relating to operations performed at the head-end (or server) is met by the agents and control points, which control and monitor network events, track operational and congestion status of network resources, select optimum targets for network requests, dynamically manage bandwidth usage, and share information about network conditions with customers, users and IT personnel (col. 4, lines 30-46). The agents and control points may be adapted and configured to enforce system policies; to monitor and analyze network events, and take appropriate action based on these events; to provide valuable information to users of the network; and ultimately to ensure that network resources are efficiently used in a manner consistent with underlying business or other goals (col. 6, lines 53-59). Agents monitor network resources and the activity of the device with which they are associated, and communicate this

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information to the control points...the control points may alter the behavior of particular agents in order to provide the desired network services. The control points and agents may be loaded on a wide variety of devices, including general purpose computers, servers, routers, hubs, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory. Agents and control points may reside on separate devices (see col. 7, lines 27-39, lines 45-58 and line 67 – col. 8, line 6). In addition, the agents may communicate the monitored status and activities to one or more control points, and provide messages to network users and administrators concerning network conditions (col. 9, line 66 – col. 10, line 7). Furthermore, agents may provide control points with messages and specific messages identifying network conditions, etc. may be provided to users and IT personnel (see col. 12, lines 44-53, col. 13, lines 9-42, and col. 18, line 45 – col. 19, line 31). As described above, the agents may be at a remote location, the control points may be located at the same or another remote location (col. 7, lines 38-39), and at least a subset of the received status from the remote location may be forwarded to one or more remote devices, where the agents communicate monitored status to the control points and in addition to the agents and/or control points may further send information to network users, administrators and IT personnel, which meets the relevant limitations in the claims. Therefore, the agents and control points may be located at one or more remote locations. The claimed receiving identities of a plurality of remote devices designated to receive status from the head-end via the monitor and control unit is met by various profiles and parameters, which include identities of devices (see col. 11, lines 43-45 and col. 15, lines 6-22). The claimed receiving an indication of capabilities of each remote device of the plurality of remote devices designated to receive status is met in part by the profiles and parameters as described above. The

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claimed forwarding at least a subset of the received status from the monitor and control unit to the plurality of remote devices is met by the control points monitoring the status of network resources, and sharing the information with management and support systems and with the agents (col. 7, lines 8-11), where the control points and agents may be loaded on a wide variety of devices, including computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory (see col. 7, lines 8-58, more specifically lines 27-39), and the “plurality of remote devices” are met by a computer or paging device, such as a pager, whereby agents/control points may also send messages concerning resource status or network conditions via email or paging to IT personnel (see col. 19, lines 29-31; also see col. 9, line 66 – col. 10, line 7; col. 13, lines 9-15 and 20-23; col. 18, line 45 – col. 19, line 10; and col. 19, lines 7-31 for a more detailed description). The claimed wherein status are forwarded to each remote device of the plurality of remote devices in conformance with the indicated capabilities is inherent to the systems and methods disclosed by the Pandya et al reference, since the status forwarded to one or more remote devices, such as a pager, cellular telephone, palm computer, or other networked device, would have to be in conformance with the indicated capabilities in order for the system to function properly. More specifically, as previously described above, the Pandya reference clearly discloses that the remote devices may include a wide variety of devices, including computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory, and the remote location(s) which relay or forward at least a subset of the received status from the remote location to one or more remote devices, whereby the remote location would have to have the identity of the one or more remote devices designated to receive

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status, as well as receive an indication of the capabilities of each remote device designated to receive status, and the status would have to be forwarded to each of the one or more remote devices in conformance with the indicated capabilities, since remote devices such as a pagers, cellular telephones, palm computers, etc., each have inherent identities and capabilities that are different from each other. For example, if message or status information is being forwarded to a user or IT personnel, the remote location must know the identity of the remote device(s) designated to receive the status or message in order to transmit the status to the correct device(s). In addition, the capability of the remote device must be known, since sending a message or status information to a palm computer versus a pager or cellular telephone is different depending on the type, make and model of a device, as well as the capabilities of a device including text and/or graphics displays, otherwise if status information is forwarded to a remote device, where the status information is not in conformance with the indicated capabilities of the remote device, the status will not be presented at all or in a proper manner. Therefore, the identities and an indication of the capabilities of each remote device, etc. as claimed are clearly inherent to the systems and methods as disclosed in the Pandya reference. The claimed receiving a response message from a particular remote device, and forwarding the response message to the head-end is met by a user selecting characters or command selections, where a configuration utility may be used for managing configuration information for the control points and agents (col. 5, lines 45-56; col. 6, lines 60-66; col. 7, lines 27-58; col. 13, lines 20-36; col. 14, lines 2-4 and col. 20, line 39 – col. 21 line 38). The claimed wherein the received message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed

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at the head-end is met by the configuration utility may be used for managing configuration information for the control points and agents as described above.

As to claim 2, the claimed receiving indications of possible error conditions relating to the one or more operations is met by monitoring the status of network resources and detecting downed or under-performing network resources, such as a downed server (col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31). The claimed forwarding one or more alert messages to the one or more remote device in response to receiving the indications is met by sending specific messages to users and IT personnel regarding errors and network conditions as described in the sections cited above, as well as in claim 1.

As to claim 3, the claimed polling a plurality of head-ends for status relating to the operations of each head-end is met by the monitoring criteria as described above and by the triggering criteria specified in the system policies (col. 18, lines 45-67).

As to claim 6, the claimed indicated capabilities for each remote device is indicated as text, graphics, or a combination thereof, is met by the profiles and parameters as described above in claims 4-5 (also see col. 13, lines 9-23 and col. 19, lines 25-31), in addition to, it is inherent or well known in the art of interactive remote devices associated with a network to include indicated capabilities for each remote device, such as text, graphics or a combination thereof, since different types of remote devices may only have text or graphics capabilities, such as a pager that has only text capabilities, while a computer with display or monitor has the capability to display both text and graphics, and the device transmitting the status information to a remote device must communicate information to the remote device according to the device's indicated

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capability or profile/properties, otherwise the communicated information will not be received and/or displayed properly on the remote device.

As to claim 7, the claimed receiving an indication of a particular reporting level for each remote device designated to receive status, and wherein status are forwarded to each of the one or more remote devices in conformance with the indicated reporting level is met by priorities that may be assigned to users or groups of users, as well as configuration of various settings relating to users, applications and resources associated with a particular control point.

As to claim 10, the claimed received status includes status relating to encoding operations performed at the head-end is met by information related to the traffic control module in identifying underperforming network resources (see col. 11, line 16 – col. 13, line 29).

As to claim 11, the claimed status relating to the encoding operations includes status for one or more buffers used to store encoded data at the head-end is met by information reported regarding the transmit and receive queues (col. 11, line 24 – col. 12, line 29).

As to claim 12, the claimed received status includes status relating to multiplexing operations performed at the head-end is met by the information about bandwidth allocation for devices and applications as provided by traffic module 160 (col. 14, line 45 – col. 16, line 28).

As to claim 13, the claimed received status includes status relating to a particular transport stream transmitted from the head-end is met by the monitoring of the monitoring of network traffic and the transport layer (see col. 9, line 66 - col. 11, line 15).

As to claim 14, the claimed received status includes bit rates for a plurality of types of data being provided from the head-end is met by bit rate and other performance information that

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may be reported and shared, and may also be used to compile and maintain statistics (col. 11, line 36 – col. 12, line 29).

As to claim 15, the claimed at least one of the plurality of remote devices is a pager is met by the remote device or control points and agents may be loaded on a pager as described above in claim 1.

As to claim 16, the claimed at least one of the plurality of remote devices is a cellular telephone is met by the remote device or control points and agents may be loaded on a cellular telephone as described above in claim 1.

As to claim 17, the claimed at least one of the plurality of remote devices is a wireless device is met by the remote device or control points and agents may be loaded on a wireless device, such as a palm computer, a pager, a cellular telephone, or any other networked device having a processor and a memory as described above in claim 1 (see col. 4, lines 62-67 and col. 7, lines 33-49).

As to claim 18, the claimed status and messages are forwarded via a standard messaging protocol is met by the communications protocols as described in col. 2, lines 50-67 and col. 5, line 57 – col. 6, line 41).

As to claim 19, note the Pandya et al reference which discloses a method for monitoring, from a remote location, operation of a head-end or server/network resources in an information distribution system. Regarding the claimed “head-end”, on pg. 346 of “Newton’s Telecom Dictionary”, a commonly accepted definition of “head end” is “A central control device required within come LAN/MAN systems to provide such centralized functions as remodulation, re-timing, message accountability, contention control, diagnostic control, and access.” Although

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the Pandya et al reference does not explicitly use the term “headend”, the reference clearly teaches monitoring and managing network resources, including servers, routers, storage devices, gateways, switches, hubs, etc., which are clearly synonymous with the operations of a head-end system (see col. 4, lines 40-61, and the definition of a “headend” according to “The Authoritative Dictionary of IEEE Standards Terms”, pg. 508 and “Newton’s Telecom Dictionary”, pg. 346). The claimed at the remote location, receiving information from the head-end relating to one or more operations performed at the head-end (or server), wherein the received information includes status and indications of possible error conditions relating to the one or more operations performed at the head-end is met by the agents and control points, which control and monitor network events, track operational and congestion status of network resources, select optimum targets for network requests, dynamically manage bandwidth usage, and share information about network conditions with customers, users and IT personnel (col. 4, lines 40-46), as well as, monitoring the status of network resources and detecting downed or under-performing network resources, such as a downed server (col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31). The agents and control points may be adapted and configured to enforce system policies; to monitor and analyze network events, and take appropriate action based on these events; to provide valuable information to users of the network; and ultimately to ensure that network resources are efficiently used in a manner consistent with underlying business or other goals (col. 6, lines 53-59). The control points monitor the status of network resources... (col. 7, lines 7-15). The control points and agents may be loaded on a wide variety of devices, including computers, palm computers, pagers, cellular telephones, and other networked devices, furthermore, the link to the control points and agents may be a wireless link (col. 7, lines 27-59).

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Therefore, the control points and agents may be located at a remote location. The claimed receiving, at the remote location, identities and indications of capabilities of one or more remote devices designated to receive the information relating to the one or more operations performed at the head-end is met by various profiles and parameters (col. 11, lines 43-45 and col. 15, lines 6-22). The claimed forwarding at least a subset of the received information from the remote location to one or more remote devices in conformance with the indicated capabilities is met by the control points monitoring the status of network resources, and sharing the information with management and support systems and with the agents (col. 7, lines 8-11), where the control points and agents may be loaded on a wide variety of devices, including computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory (see col. 7, lines 8-58, more specifically lines 27-39), and the “one or more remote devices” are met by a computer or paging device, such as a pager, whereby agents/control points may also send messages concerning resource status or network conditions via email or paging to IT personnel (see col. 19, lines 29-31; also see col. 9, line 66 – col. 10, line 7; col. 13, lines 9-15 and 20-23; col. 18, line 45 – col. 19, line 10; and col. 19, lines 7-31 for a more detailed description). The claimed receiving a response message from a particular remote device, and forwarding the response message to the head-end is met by a user selecting characters or command selections, where a configuration utility may be used for managing configuration information for the control points and agents (col. 5, lines 45-56; col. 6, lines 60-66; col. 7, lines 27-58; col. 13, lines 20-36; col. 14, lines 2-4 and col. 20, line 39 – col. 21 line 38). The claimed wherein the received message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the head-end is

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met by the configuration utility may be used for managing configuration information for the control points and agents as described above.

As to claim 20, note the Pandya et al reference which discloses a method for remotely monitoring and controlling operation of a head-end or server/network resources in an information distribution system. Regarding the claimed "head-end", on pg. 346 of "Newton's Telecom Dictionary", a commonly accepted definition of "head end" is "A central control device required within some LAN/MAN systems to provide such centralized functions as remodulation, re-timing, message accountability, contention control, diagnostic control, and access." Although the Pandya et al reference does not explicitly use the term "headend", the reference clearly teaches monitoring and managing network resources, including servers, routers, storage devices, gateways, switches, hubs, etc., which are clearly synonymous with the operations of a head-end system (see col. 4, lines 40-61, and the definition of a "headend" according to "The Authoritative Dictionary of IEEE Standards Terms", pg. 508 and "Newton's Telecom Dictionary", pg. 346). The claimed maintaining identities and indications of capabilities of one or more remote devices designated to receive information relating to one or more operations performed at the head-end is met by various profiles and parameters, which include identities of devices (see col. 11, lines 43-45 and col. 15, lines 6-22), and the indications of capabilities is inherent to the systems and methods disclosed by the Pandya et al reference, since the status forwarded to one or more remote devices, such as a pager, cellular telephone, palm computer, or other networked device, would have to be in conformance with the indicated capabilities in order for the system to function properly. More specifically, as previously described above, the Pandya reference clearly discloses that the remote devices may include a wide variety of devices, including

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computers, servers, routers, palm computers, pagers, cellular telephones, and virtually any other networked device having a processor and memory, and the remote location(s) which provide status from the head-end to one or more remote devices, whereby the remote location would have to have the identity of the one or more remote devices designated to receive status, as well as have an indication of the capabilities of each remote device designated to receive information/status, and the status would have to be forwarded to each of the one or more remote devices in conformance with the indicated capabilities, since remote devices such as a pagers, cellular telephones, palm computers, etc., each have inherent identities and capabilities that are different from each other. For example, if message or status information is being forwarded to a user or IT personnel, the remote location must know the identity of the remote device(s) designated to receive the status or message in order to transmit the status to the correct device(s). In addition, the capability of the remote device must be known, since sending a message or status information to a palm computer versus a pager or cellular telephone is different depending on the type, make and model of a device, as well as the capabilities of a device including text and/or graphics displays, otherwise if status information is forwarded to a remote device, where the status information is not in conformance with the indicated capabilities of the remote device, the status will not be presented at all or in a proper manner. Therefore, the identities and an indication of the capabilities of each remote device, etc. as claimed are clearly inherent to the systems and methods as disclosed in the Pandya reference. The claimed providing, from a remote location to one or more remote devices status from the head-end relating to one or more operations performed at the head-end is met by the agents and control points, which control and monitor network events, track operational and congestion status of network resources, select

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optimum targets for network requests, dynamically manage bandwidth usage, and share information about network conditions with customers, users and IT personnel (col. 4, lines 40-46), as well as, monitor the status of network resources and detecting downed or under-performing network resources, such as a downed server (col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31). The agents and control points may be adapted and configured to enforce system policies; to monitor and analyze network events, and take appropriate action based on these events; to provide valuable information to users of the network; and ultimately to ensure that network resources are efficiently used in a manner consistent with underlying business or other goals (col. 6, lines 53-59). The control points monitor the status of network resources... (col. 7, lines 7-15). The control points and agents may be loaded on a wide variety of devices, including computers, palm computers, pagers, cellular telephones, and other networked devices, furthermore, the link to the control points and agents may be a wireless link (col. 7, lines 27-59). Therefore, the control points and agents may be located at one or more remote locations. The claimed receiving, at the remote location, from a particular remote device one or more response messages is met by a user selecting characters or command selections, where a configuration utility may be used for managing configuration information for the control points and agents (col. 5, lines 45-56; col. 6, lines 60-66; col. 7, lines 27-58; col. 13, lines 20-36; col. 14, lines 2-4 and col. 20, line 39 – col. 21 line 38). The claimed adjusting at least one parameter of a particular operation performed at the head-end in accordance with the one or more response messages is met by the configuration utility may be used for managing configuration information for the control points and agents as described above.

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As to claim 21, the claimed providing to the one or more remote devices indications of possible error conditions relating to the one or more operations performed at the head-end is met by monitoring the status of network resources and detecting downed or under-performing network resources, such as a downed server (col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31), and by sharing information about network conditions with customers, users and IT personnel (col. 4, lines 40-46).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Michael W. Hoyer
July 27, 2006



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600